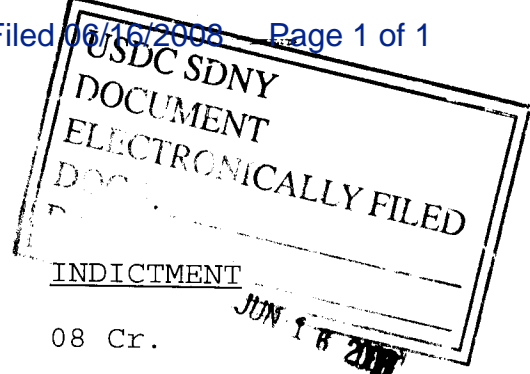


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA

: INDICTMENT

-v.-

: 08 Cr.

JULIAN SMITH

a/k/a "Junior Smith" and
a/k/a "David Brown, Jr.,"

Defendant.

: 08 Cr.

JULIAN SMITH

COUNT ONE

The Grand Jury charges:

On or about January 17, 2008, in the Southern District of New York and elsewhere, JULIAN SMITH, a/k/a "Junior Smith," a/k/a "David Brown, Jr.," the defendant, being an alien, unlawfully, willfully, and knowingly, did enter and was found in the United States, after having been deported from the United States, to wit, on or about May 12, 2005, subsequent to a conviction for the commission of a felony, to wit, a conviction on or about March 13, 2002, in New York Supreme Court, Bronx County, for Criminal Possession of Marijuana in the First Degree, in violation of New York Penal Law 221.30, a Class C felony, without having obtained the express consent of the Attorney General of the United States or his successor, the Secretary for the Department of Homeland Security, to reapply for admission.

(Title 8, United States Code, Sections 1326(a) & (b)(1).)

Y. J. Smith
FOREPERSON

Michael J. Garcia
MICHAEL J. GARCIA
United States Attorney